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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Mackay, et al.

Serial No.: 09/418,237

Filed: October 14, 1999

For: POLYOLEFIN MICROPOROUS BREATH-
ABLE FILM HAVING IMPROVED TEAR,
IMPACT STRENGTH AND SOFTNESS
AND METHOD OF MAKING SAME§
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§
§
§
§

Group Art Unit: 1773

Examiner: Unknown

Attorney Docket: EXXO/004

Assistant Commissioner for Patents
Box MISSING PARTS
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited on February 22, 2000, with the U. S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box MISSING PARTS, Washington, D.C. 20231.	
2/22/00 Date	 Signature

RESPONSE TO NOTICE TO FILE MISSING PARTS

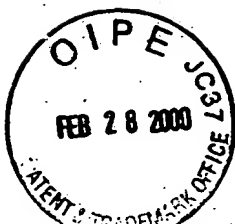
Applicant files this Response to a Notice to File Missing Parts (Form PTO-1533), having a shortened statutory two-month period to respond set to expire on January 9, 2000. Accompanying this Response is a Petition for Two-Month Extension of Time, extending the time for responding up to and including March 9, 2000.

The notice (copy enclosed) indicates that that application was filed without the oath or declaration. Enclosed for filing in the above-referenced application is a copy of a fully executed Combined Declaration and Power of Attorney in response to the missing parts request.

The Commissioner associated with this Communication and Response is hereby authorized to charge the amount of \$130.00 and any additional fees or credit any overpayment to Deposit Account No. 20-0782/EXXO/004/DHE.

Respectfully submitted,

Douglas H. Elliott, Registration No. 32,982
THOMASON, MOSER & PATTERSON, L.L.P.
3040 Post Oak Boulevard, Suite 1500
Houston, Texas 77056
(713) 623-4844 (713) 623-4846 Facsimile
Attorneys for Assignee

Section
UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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0262/1109

10/14/99

MACKAY

J

3996.004/DHE

DOUGLAS H ELLIOTT

TOBOR GOLDSTEIN & HEALEY LLP

1360 POST OAK BOULEVARD SUITE 2300

HOUSTON TX 77056

NOT ASSIGNED

1773

DATE MAILED:

11/09/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 130.

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$_____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$_____ for _____ total claims over 20.

\$_____ for _____ independent claims over 3.

\$_____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.